

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

EDWARD J. MCCAULEY,

Plaintiff,

v.

FINANCIAL BSUINESS AND
CONSUMER SOLUTIONS, INC.
d/b/a FBCS,

Defendant.

Case No. 2:18-cv-11251-MAG-APP

Honorable Judge Mark A. Goldsmith

**PLAINTIFF’S RESPONSE TO THIS
HONORABLE COURT’S ORDER TO SHOW CAUSE**

NOW comes EDWARD J. MCCAULEY (“Plaintiff”), by and through his attorneys, Sulaiman Law Group, Ltd. (“Sulaiman”), in response to this Honorable Court’s Order To Show Cause (Dkt. #7), and in support thereof, stating as follows:

I. FACTUAL BACKGROUND

1. On April 20, 2018, Plaintiff filed his Complaint for Relief Pursuant to the Fair Debt Collection Practices Act (“FDCPA”), the Telephonic Consumer Protection Act (“TCPA”), and the Michigan Occupational Code (“MOC”). The basis of Plaintiff’s Complaint is that Defendant violated the FDCPA, the TCPA, and the MOC through its collection activities. Chiefly, Plaintiff alleges that Defendant engaged in impermissible collection activity against

- him through incessant collection calls to his cellular phone via an Automated Telephone Dialing System (“ATDS”) after being told to stop.
2. On April 24, 2018, this Honorable Court issued a Summons for Defendant (Dkt. #5).
 3. On September 5, 2018, this Honorable Court issued an Order to Show Cause to Plaintiff why the instant action should not be dismissed for failure to prosecute.
 4. In response to this Honorable Court’s September 5, 2018 Order to Show Cause, Plaintiff promptly effectuated service on Defendant by serving Defendant’s registered agent on September 6, 2018.
 5. On September 7, 2018, Plaintiff filed an executed Certificate of Service (Dkt. #8).
 6. Defendant’s responsive pleading is currently due September 27, 2018.

II. RESPONSE

4. Due to an administrative error by Sulaiman, service of the Defendant was overlooked. This was completely the fault of Sulaiman and in no way was precipitated by Plaintiff.
5. Sulaiman has robust policies and procedures in place to avoid these type of errors. Unfortunately, due to the integration of new staff, the policies and procedures were overlooked in this instance.

6. The undersigned counsel, on behalf of Sulaiman, sincerely apologies to this Honorable Court for the delay caused due to this error. Such delay is inexcusable and weighs very heavily on Sulaiman.
7. Strong remedial measures have been taken and this issue has been address with all who hold a measure of responsibility. Specifically a support staff meeting took place to address avoiding such errors.
8. Once learning of the error Sulaiman strove to address the issue within 24 hours.
9. Sulaiman and the undersigned counsel realize the extremely limited resources of this Honorable Court and the unnecessary burden delays such as this cause.

WHEREFORE, Plaintiff, EDWARD J. MCCAULEY, respectfully requests that this Honorable Court continue to exercise jurisdiction over and administer the instant action.

Dated: September 19, 2018

Respectfully Submitted,

s/ Nathan C. Volheim

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Plaintiff, certifies that on September 19, 2018, he caused a copy of the foregoing PLAINTIFF'S RESPONSE TO THIS HONORABLE COURT'S ORDER TO SHOW CAUSE, to be served by U.S Certified Mail, postage prepaid, to:

Financial Business and Consumer Solutions, Inc.
c/o CSC Lawyers Incorporating Service, RA
601 Abbot Road
East Lansing, Michigan 48823

Financial Business and Consumer Solutions, Inc.
330 South Warminster Road, Suite 353
Harboro, Pennsylvania 19040

s/ Nathan C. Volheim
Nathan C. Volheim, Esq.